

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	August 24, 2014
Time of Incident:	7:11 PM
Location of Incident:	████████ W. Polk St., Chicago IL
Date of IPRA Notification:	August 24, 2014
Time of IPRA Notification:	7:44 PM

On August 24, 2014 Officers ██████████ and Officer ██████████ of the ██████████ Unit, received a tip from their partner Officer ██████████ Officer ██████████ detailed a tip he received through a confidential informant that there were two men with guns on the ██████████ block of West Polk St. The tip described one of the men as African American, wearing a white hat and a white t-shirt and in possession of a Tec-9 machine gun. The tip described the other man as African American, wearing a dark blue t-shirt and in possession of a silver handgun.

Officer ██████████ notified fellow ██████████ Unit members Officers ██████████ and ██████████ and Sergeant ██████████ who recruited Officers ██████████ and ██████████ to act on the tip.

The officers drove three unmarked squad cars to the ██████████ block of Polk Street and stopped in front of an empty lot east of a two-flat residence at ██████████ W. Polk St. There were approximately ten to twelve African American men standing in front of the empty lot. The officers exited their squad cars, several with their guns drawn. As Officer ██████████ walked toward ██████████ ██████████ turned and ran northbound through a gangway west of ██████████ W. Polk St. Officers ██████████ and ██████████ chased ██████████ through the gangway while Officer ██████████ ran northbound through the empty lot east of ██████████ W. Polk St.

████████ ran to the backyard at ██████████ W. Polk St. and ran up a set of stairs onto the first-floor landing of the back porch. When Officer ██████████ entered the backyard, he observed ██████████ holding a firearm and repeatedly told ██████████ to drop the gun. When ██████████ refused to do so, Officer ██████████ fired his weapon three times, fatally striking ██████████ Chicago Police recovered a silver handgun on the porch near ██████████ body.

The Independent Police Review Authority (IPRA) began its investigation on August 24, 2014 and concluded the shooting as within policy on October 20, 2015. IPRA reopened the log on

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

August 3, 2017 to conduct additional investigation into the incident. COPA's ensuing investigation incorporates the evidence reviewed in the original investigation as well as new evidence gathered. COPA finds by a preponderance of the evidence that the shooting was within policy.²

II. INVOLVED PARTIES

Involved Officer #1:	star# [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2005, Chicago Police Officer, Date of Birth: [REDACTED], 1976, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1994, Male, Black

III. ALLEGATIONS

Any discharge of an officer's firearm resulted in a mandatory notification to COPA's predecessor IPRA. This investigation was initiated pursuant to such notification. COPA determined evidence did not exist which would require allegations against Officer [REDACTED]

IV. APPLICABLE RULES AND LAWS

General Orders

1. Chicago Police Department General Order 03-02-03; Use of Deadly Force

Federal Laws

1. Fourth Amendment to the United States Constitution

State Laws

1. Illinois State Statute 720 ILCS 5/7-5(a) (1986)

² After the re-opening this log number, COPA served allegations against Officer [REDACTED] disputing the truthfulness of his statements relating to this incident under Log # 1088307.

V. INVESTIGATION³

Pursuant to this re-opened investigation, COPA obtained relevant videos, forensic data, and documentary evidence associated with this incident. Additionally, COPA interviewed civilian witnesses, police officers, and paramedics that had not been previously interviewed by IPRA.

Further, COPA reviewed and considered expert reports, depositions, and other materials from a civil lawsuit filed against the City of Chicago and Officers [REDACTED] and [REDACTED] stemming from the police-involved shooting of [REDACTED] which, as of the date of this report is still pending.

a. Interviews

Police Officer – Statements, Depositions, & Interviews^{4,5}

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to COPA on October 16, 2017. Each statement was substantially similar with respect to the facts.

Officer [REDACTED] stated that on August 24, 2014, he was a member of the [REDACTED] Unit of the Chicago Police Department. Officer [REDACTED] stated that, while on vacation, he received a phone call from a confidential informant who stated that two black males affiliated with the Traveling Vice Lords street gang were on the [REDACTED] block of Polk with guns. Officer [REDACTED] related that at the time of the shooting, he had known the informant for about a year, knew that the informant belonged to [REDACTED] gang and had used the informant more than twenty times in the past where the information provided was verified. During his interview with COPA, Officer [REDACTED] stated that his informant related that one of the men had an AK-47 assault rifle and the other man had a handgun. The informant stated that the man with the silver handgun was wearing a blue t-shirt. Officer [REDACTED] stated that the informant did not tell him the actual names of the men. Officer [REDACTED] stated that he contacted Officer [REDACTED] and provided Officer [REDACTED] all of the information that the confidential informant related to him. Officer [REDACTED] further related that, after he learned from Detective [REDACTED] that [REDACTED] had been fatally shot, he called the informant and asked him to meet with CPD personnel.

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Depositions were taken in the course of a civil suit filed by [REDACTED] ([REDACTED] mother) in under case :15-CV [REDACTED] *Estate of [REDACTED] by [REDACTED] Administrator v. City of Chicago and Officers [REDACTED] and [REDACTED]*

⁵ All of the involved officers testified that they did not know who [REDACTED] was prior to August 24, 2014.

⁶ Officer [REDACTED] was indicted on federal charges relating to his official police duties on May 9, 2018. The indictment is not related to any of the facts or circumstances surrounding [REDACTED] death. Officer [REDACTED] pled not guilty to all charges and the case is currently pending. Officer [REDACTED] did not witness the shooting and COPA places no weight on any portion of his statement that is not corroborated by reliable independent evidence.

On August 24, 2014 Officer [REDACTED] provided a statement to Chicago Police Detectives that was consistent with the statement he provided to COPA, except that Officer [REDACTED] told the CPD Detectives that the informant told him one of the men had a Tec-9 or a Mac-10.⁷

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] provided a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to IPRA on November 17, 2014 and testified in a deposition on October 27, 2015. These statements were substantially similar with respect to the facts provided.

On August 24, 2014, Officer [REDACTED] was assigned to the [REDACTED] team. Officer [REDACTED] stated that at approximately 6:45 pm, he was plain clothed, in an unmarked squad car with his partner, Officer [REDACTED]. Officer [REDACTED] related that he received a phone call on his personal cell phone from Officer [REDACTED]. Officer [REDACTED] stated that Officer [REDACTED] told him a confidential informant contacted him and told him that there were two individuals with guns on the [REDACTED] block of Polk. Officer [REDACTED] informed Officer [REDACTED] that one individual had a Tec-9, was wearing a white t-shirt, and had left the location in a gold Pontiac or Grand Prix. Officer [REDACTED] then told him that the second individual was a black male wearing a dark colored t-shirt and was still on the block.

Officer [REDACTED] related that the location was territory of the Traveling Vice Lords street gang, and that there had been multiple shootings in that area over the summer of 2014. Officer [REDACTED] also related that he knew the area had a lot of drug activity. Officer [REDACTED] stated that he contacted his supervisor, Sergeant [REDACTED] and informed him of the information he received. Officer [REDACTED] stated that he and Officer [REDACTED] decided to go to the [REDACTED] District to recruit more officers to help with the call. Officer [REDACTED] related that Officers [REDACTED] and [REDACTED] agreed to assist.

Officer [REDACTED] stated that he, Officer [REDACTED] Officers [REDACTED] and [REDACTED] got into his unmarked squad car and drove to Harrison and California to meet with Officers [REDACTED] and [REDACTED] and Sergeant [REDACTED]. The officers did not discuss a tactical plan of approach.

Officer [REDACTED] testified that, when he arrived on the [REDACTED] block of Polk Street, there were about twenty to fifty people on each side of the street and that about eight to twelve individuals were standing in front of an empty lot next to [REDACTED] W. Polk.

Officer [REDACTED] related that, as soon as he exited his vehicle, he drew his weapon and shouted words to the effect of, "Nobody move, everybody let me see your hands."⁸ Officer [REDACTED] stated that one individual, later identified as [REDACTED] backed up. When Officer [REDACTED] told [REDACTED] to "get over here,"⁹ the individual took off running westbound and then ran northbound into a gangway. Officer [REDACTED] stated that he saw [REDACTED] holding his waistband with his right hand. Officer [REDACTED] described that gangway as a covered dark tunnel with a floor-to-ceiling door

⁷ Attachments 70, 120, 121, 122

⁸ Attachment 98 Page 46 Lines 16-17

⁹ Attachment 98 Page 54 Line 21

at the end of the gangway. Officer [REDACTED] stated that, as soon as he got down to the gangway, he saw the door open and shut. Officer [REDACTED] stated that Officer [REDACTED] came behind him about three seconds later.

Officer [REDACTED] stated that he and Officer [REDACTED] walked slowly to the door that [REDACTED] just ran through. Once at the door, Officer [REDACTED] stated that he heard Officer [REDACTED] say, "drop the gun, drop the gun, drop the gun,"¹⁰ then he heard gunshots. He stated that he was not sure how many shots he heard, but he believes he heard two shots in rapid succession, then another shot about half a second later. Officer [REDACTED] stated that he then heard Officer [REDACTED] say, "drop the gun and let me see your hands."¹¹ After about ten seconds, Officer [REDACTED] asked if it was safe to come through the door, and a voice stated that it was. Officer [REDACTED] believes he stood in the gangway with Officer [REDACTED] for a total of 30 seconds.

Once in the yard Officer [REDACTED] recalled seeing Officers [REDACTED] and [REDACTED] Sergeant [REDACTED] and possibly Officer [REDACTED] on the back porch. Officer [REDACTED] testified that there were civilians in the vacant lot east of their location. Officer [REDACTED] also stated that he saw Officer [REDACTED] in the empty lot. Officer [REDACTED] stated that after the scene was secured, he walked onto the porch and saw the gun and [REDACTED] handcuffed.¹²

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to IPRA on August 26, 2014 and testified in a deposition on October 20, 2015. Each statement was substantially similar with respect to the facts.

Officer [REDACTED] stated that on August 24, 2014, he arrived at work around 7:00pm. He was working as a plain-clothed tactical officer in the [REDACTED] District. Officer [REDACTED] stated that Officer [REDACTED] who worked as a gang intelligence officer, walked into the tactical office where he was sitting with Officer [REDACTED] and said that the unit received a tip from an informant that two men had guns near Polk and California. One of the guns was a Tec-9 and the other was a 9-millimeter handgun. Officer [REDACTED] stated that he received a description of one of the offenders as a black male wearing a white hat and white t-shirt. Officer [REDACTED] testified that he, Officer [REDACTED] and Officer [REDACTED] got into an unmarked squad car with Officer [REDACTED] and Officer [REDACTED]. Officer [REDACTED] drove to the intersection of Harrison Street and California Avenue where they met with Sergeant [REDACTED] and Officers [REDACTED] and [REDACTED]. The three unmarked cars then went to [REDACTED] W. Polk St.

Officer [REDACTED] stated that the officers did not discuss a tactical plan. Officer [REDACTED] stated that he had been to [REDACTED] W. Polk Street numerous times before and conducted surveillance. He stated that the area was an open-air drug market with heavy gang activity. Officer [REDACTED] stated that when he arrived at the location of [REDACTED] W. Polk Street, he noticed a group of ten people in front of an empty lot. Officer [REDACTED] along with his fellow officers, got out of the car.

¹⁰ Attachment 98 Page 67 Line 10

¹¹ Attachment 98 Page 69 Lines 1-2

¹² Attachments 65, 70, 71, & 98

Officer [REDACTED] stated that when he got out of the car, he drew his gun and immediately spotted a man wearing a white hat and white t-shirt. Officer [REDACTED] approached him for a protective pat down and yelled words to the effect of "police, let me see your hands."¹³ Officer [REDACTED] stated that he saw Officer [REDACTED] tell another black male, now known as [REDACTED] to "come here."¹⁴ Officer [REDACTED] stated that [REDACTED] ran away from Officer [REDACTED] through a gangway on the west side of the [REDACTED] W. Polk St. Officer [REDACTED] stated that he immediately ran through the empty lot to the east side of [REDACTED] W. Polk St. toward into the back alley. Officer [REDACTED] testified that he did not see any civilians in the lot. Officer [REDACTED] entered the backyard of [REDACTED] W. Polk Street through a hole in the fence. Officer [REDACTED] stated that when he arrived in the backyard, he could see [REDACTED] run upstairs from the gangway and clearly saw a silver handgun in [REDACTED] right hand. Officer [REDACTED] stated he told [REDACTED] "Police, drop the gun."¹⁵ Officer [REDACTED] stated that [REDACTED] looked in his direction, said nothing, and then ran up the back-porch stairs.

Officer [REDACTED] stated that, as he started to walk toward the entrance of the porch, he told [REDACTED] to, "Drop the fucking gun, drop the fucking gun, please drop the fucking gun."¹⁶ Officer [REDACTED] stopped about ten to fifteen feet away from the porch. The entire time Officer [REDACTED] was in the backyard he had his gun in the ready position.¹⁷ Officer [REDACTED] stated that [REDACTED] was walking back and forth on the first floor of the porch and had his back to him. [REDACTED] turned around and, while crouching, pointed a silver handgun in his direction. In fear for his life, Officer [REDACTED] fired his gun three times towards [REDACTED] with no delay. Officer [REDACTED] stated he stopped firing when the gun was no longer pointed at him.

Officer [REDACTED] was not sure if he shot [REDACTED] so he approached the entrance of the back porch with his gun in the ready position. Officer [REDACTED] believed that [REDACTED] may be ducking. When Officer [REDACTED] reached the porch, he observed [REDACTED] on the ground and a gun on [REDACTED] right side. Officer [REDACTED] did not know if [REDACTED] was dead; he related that [REDACTED] was not moving, not talking, and that [REDACTED] appeared to be bleeding from his chest. Officer [REDACTED] stated that Sergeant [REDACTED] then ran up the stairs and attempted to handcuff [REDACTED]. Officer [REDACTED] helped with the handcuffing.¹⁸

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to IPRA on August 25, 2014 and testified in a deposition on October 16, 2015. Each statement was substantially similar with respect to the facts.

Officer [REDACTED] stated that on August 24, 2014 he was working on the tactical team in the [REDACTED] District. As he was just starting his shift at 7:00pm, Officer [REDACTED] and Officer [REDACTED]

¹³ Attachment 96 Page 63 Line 22-23

¹⁴ Attachment 96 Page 64 Line 14

¹⁵ Attachment 96 Page 87 Line 14

¹⁶ Attachment 96 Page 92 Line 4-6

¹⁷ The ready position is a stance where a person has both hands on the handle of the gun, the person's index finger on the trigger, and the gun is pointed at the subject.

¹⁸ Attachments 22, 23, 70 & 96

asked him to assist them with a man with a gun call at the [REDACTED] W. Polk Street. Officer [REDACTED] got in an unmarked squad car with Officers [REDACTED] and [REDACTED] Officer [REDACTED] stated that, once he was in the car, Officer [REDACTED] explained that he had received a tip that there were two African American males on the [REDACTED] block of Polk Street. The tip stated that one man was wearing a white shirt and a white hat and had a Tec-9, and the other man was wearing a dark blue shirt and had a handgun. Officer [REDACTED] stated that he was familiar with the area and that there had been multiple shootings between the Traveling Vice Lords and the Gangster Disciples street gangs during the summer.

Officer [REDACTED] stated that the car stopped at an empty lot on Polk Street. Officer [REDACTED] saw eight to ten people standing in front of the empty lot. He immediately exited the vehicle and approached someone for a protective pat down. He stated that, out of the corner of his eye, he saw [REDACTED] take off running northbound through the gangway.

Officer [REDACTED] stated that Officer [REDACTED] ran through the vacant lot beside a two-flat residence, [REDACTED] W. Polk Street. Officer [REDACTED] followed Officer [REDACTED] through the vacant lot and saw [REDACTED] come up through the gangway. He stated that there was a hole in the fence to get into the backyard of [REDACTED] W. Polk Street and that Officer [REDACTED] went through the hole to get into the backyard. Officer [REDACTED] saw [REDACTED] with a silver gun at his right side. [REDACTED] went up to the first-floor landing of the back porch. Officer [REDACTED] took cover behind the fence while keeping his head exposed. Officer [REDACTED] stated that he and Officer [REDACTED] yelled out, "drop the gun, drop the gun, drop the gun" ¹⁹ multiple times and [REDACTED] ignored them. Once [REDACTED] was on the porch, Officer [REDACTED] stated that he saw [REDACTED] run to his left, turn around, and point the silver handgun in the direction of Officer [REDACTED]. Officer [REDACTED] then fired three successive shots at [REDACTED] causing [REDACTED] to drop. Once the shots were fired, Officer [REDACTED] entered the yard and heard Officer [REDACTED] say "show me your hands, show me your hands." ²⁰ Officer [REDACTED] remembered Sergeant [REDACTED] running past him and Officer [REDACTED] to the back porch to handcuff [REDACTED]. Officer [REDACTED] saw Officer [REDACTED] come out of the gangway. Officer [REDACTED] remembered seeing the silver handgun when he walked near the porch. Officer [REDACTED] related that Sergeant [REDACTED] then directed everyone to get off the porch. ²¹

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to IPRA on November 26, 2014 and testified in a deposition on January 12, 2016. Each statement was substantially similar with respect to the facts.

Officer [REDACTED] stated that on August 24, 2014, he was assigned to the [REDACTED] Unit, working with his partner Officer [REDACTED]. Officer [REDACTED] stated that either he or Officer [REDACTED] received a call from Officer [REDACTED] informing them that there were two individuals with guns on the [REDACTED] block of Polk Street. Officer [REDACTED] gave the officers a description that one of the men was wearing a white hat and white t-shirt and had a Tec-9, while the other was wearing a

¹⁹ Attachment 104 Page 113 Line 14

²⁰ Attachment 104 Page 113 Line 3-4

²¹ Attachments 24, 25, 70, & 104

dark blue t-shirt and had a silver handgun. Officer [REDACTED] and Officer [REDACTED] agreed to meet in the [REDACTED] District at Harrison Street and California Avenue. Once they arrived, Officer [REDACTED] told Officer [REDACTED] to follow behind him in his car to [REDACTED] W. Polk Street.

Officer [REDACTED] stated that he saw a group of males standing in front of an empty lot right beside [REDACTED] W. Polk Street. When he exited his car, he could see [REDACTED] separating from the group. Officer [REDACTED] saw [REDACTED] run westbound, then northbound, through the gangway. Officer [REDACTED] noticed Officer [REDACTED] run after [REDACTED] through the gangway. Officer [REDACTED] saw Officers [REDACTED] and [REDACTED] run after [REDACTED] through the vacant lot. Officer [REDACTED] stated that he went up to the group of approximately ten African American males who were standing in the front of the vacant lot. He temporarily detained the group while the other officers pursued [REDACTED]. Officer [REDACTED] related that he had his gun out, pointed at the men, and ordered them to keep their hands up.

Officer [REDACTED] stated that, about thirty to forty seconds later, he heard three gunshots coming from the rear porch. The first two shots were back to back while the third gunshot occurred after a brief pause. Officer [REDACTED] stated that, at the time, he did not know who was shooting.

A call of "shots fired"²² came over his police radio. Officer [REDACTED] decided to run to the back of the residence, through the vacant lot. While he ran through the lot, Officer [REDACTED] described seeing Officer [REDACTED] ahead of him, near the back of the lot. Additionally, he observed dogs chained to a fence and numerous people in the area. Officer [REDACTED] went to the back of the yard and saw Officer [REDACTED] and Officer [REDACTED] near the porch. He recalled hearing Sergeant [REDACTED] in the back porch saying words to the effect of "let me see your hands". Officer [REDACTED] related that he told an older gentleman to take his dogs away from the porch. Officer [REDACTED] recalls getting to the backyard and climbing over the railing of the back porch. Officer [REDACTED] then observed a silver handgun, at which point Sergeant [REDACTED] ordered everyone off the porch.²³

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to IPRA on August 25, 2014 and testified in a deposition on January 13, 2016.

Officer [REDACTED] stated that on August 24, 2014 he was assigned to the [REDACTED] Unit working in plain clothes in an unmarked squad car with his partner Officer [REDACTED]. Officer [REDACTED] related that he and Officer [REDACTED] were driving to the [REDACTED] District when Officer [REDACTED] received a call from Officer [REDACTED] telling him that there were two people with guns on the [REDACTED] block of Polk Street. The tip described two black males, one wearing a white shirt and white hat and possessing a Tec-9 and the other wearing a dark blue shirt possessing a handgun. The tip further related that the person with the Tec-9 left the block in a tan Grand Am.

²² Attachment 100 Page 105 Line 3

²³ Attachments 68, 69, 70, 100

At his deposition, Officer [REDACTED] testified that he and Officer [REDACTED] drove around the area of [REDACTED] W. Polk Street looking for the tan car but could not find it. He then related that he and Officer [REDACTED] went to California Avenue and Harrison Street to meet with Officer [REDACTED] and Sergeant [REDACTED] then drove back to the [REDACTED] block of Polk Street.

Once Officer [REDACTED] arrived back on Polk Street, he noticed a group of about ten to twelve males standing in front a vacant lot right next door to [REDACTED] W. Polk Street. Officer [REDACTED] got out of his car with his gun at his side. As he walked toward the group, he saw [REDACTED] run away from Officer [REDACTED] through a gangway. Officer [REDACTED] stated that he saw Officers [REDACTED] and [REDACTED] chase after [REDACTED] through the gangway. He also saw Officer [REDACTED] and Officer [REDACTED] pursue [REDACTED] through the empty lot.

In an interview with IPRA on August 25, 2014, and in his statement to detectives as memorialized in the Detective Supplementary Report, Officer [REDACTED] related that he heard Officer [REDACTED] say "drop the gun, drop the gun, drop the gun."²⁴ In response, Officer [REDACTED] ran to the center of the empty lot where the pickup truck was parked. He had a "center, like diagonal shot of the back of the patio."²⁵ Further Officer [REDACTED] stated he saw [REDACTED] point a silver handgun at Officer [REDACTED] then saw Officer [REDACTED] shoot three times.

At his deposition on January 13, 2016, Officer [REDACTED] stated that, prior to testifying, he reviewed the POD video. In contrast to his statement to the responding detectives on August 24, 2014 and to IPRA on August 25, 2014, Officer [REDACTED] stated he was standing on the sidewalk of Polk Street and had a diagonal view of the backyard of [REDACTED] W. Polk Street. Officer [REDACTED] stated that, after he heard yelling coming from the backyard, he took three to four steps back toward the street and a couple steps east bound to get a "good view" of the patio and the yard.²⁶ Officer [REDACTED] stated he saw [REDACTED] arm, part of his profile and his back. Officer [REDACTED] related that he saw [REDACTED] with a handgun in his right hand pointing it at Officer [REDACTED]. Officer [REDACTED] stated that he heard shots ring out from the back of [REDACTED] W. Polk Street. Officer [REDACTED] then ran to the middle of the vacant lot near a fence overlooking the backyard of [REDACTED] W. Polk Street, where two dogs were located, but when he arrived at the fence, he could not see [REDACTED] at all and assumed he was hiding. Officer [REDACTED] stated he saw Officer [REDACTED] still in the ready position repeatedly saying, "drop the gun, drop the gun."²⁷

Officer [REDACTED] stated that he yelled, "drop the gun,"²⁸ and asked Officer [REDACTED] where [REDACTED] was located. Officer [REDACTED] stated that from the vacant lot he saw Sergeant [REDACTED] enter the backyard and run to the porch and state "drop the gun, drop the gun,"²⁹ then kicked something and attempted to handcuff [REDACTED].³⁰

²⁴ Attachment 27 Page 21 Lines 26-27

²⁵ Attachment 27 Page 24 Line 28-30 and Attachment 82 Page 9

²⁶ Attachment 105 Page 134 Lines 12-24 through Page 135 Lines 1-11

²⁷ Attachment 105 Page 149 Lines 15-18

²⁸ Attachment 105 Page 149 Lines 17-18

²⁹ Attachment 105 Page 163 Line 12

³⁰ Attachments 26, 27, 70, & 105. Due to the discrepancies between Officer [REDACTED] statements to IPRA and the detectives, his deposition testimony, and his actions as reflected on the POD camera, COPA served allegations

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to IPRA on December 17, 2014 and testified in a deposition on November 16, 2015. Each statement was substantially similar with respect to the facts.

Officer [REDACTED] stated that on August 24, 2014 he was assigned to the [REDACTED] District violence suppression mission working as a plain-clothed officer. Shortly after he started his shift, at about 6:45 pm, he was sitting in the tactical office with Officer [REDACTED] when Officer [REDACTED] walked in and told them he was short officers and needed support. Officer [REDACTED] stated that Officer [REDACTED] told them that an informant stated that there were two people with guns on the [REDACTED] block on Polk Street. Officer [REDACTED] stated the description he received from Officer [REDACTED] was that one man was a black male with a white hat, and a white shirt, and had a Tec-9 and the other was a black male with bluish grey jeans and had a handgun.

Officer [REDACTED] and Officer [REDACTED] exited the office and saw Officer [REDACTED] in the hallway and asked him to join them. Officer [REDACTED] stated that the plan was for Officers [REDACTED] [REDACTED] and Sergeant [REDACTED] to go to the general area and then figure out a plan. Officer [REDACTED] stated that he has been to the [REDACTED] block of Polk Street multiple times due to gang and narcotics activity in that area.

After meeting with the Sergeant [REDACTED] and the other officers, Officer [REDACTED] stated that all of the officers proceeded to the [REDACTED] block of Polk Street. When Officer [REDACTED] arrived at the location, he noticed about eight to ten people standing in front of an empty lot. Officer [REDACTED] exited the vehicle with his gun drawn. Officer [REDACTED] stated that he believes he initially approached an individual wearing a white t-shirt and white hat. Officer [REDACTED] noticed [REDACTED] take a step back and run westbound then northbound into a gangway.

Officer [REDACTED] saw Officer [REDACTED] immediately run after [REDACTED] down the gangway and saw Officers [REDACTED] and [REDACTED] run northbound into the vacant lot. Officer [REDACTED] then stated that after a couple of seconds he followed Officer [REDACTED] down through the gangway.

Officer [REDACTED] stated that both he and Officer [REDACTED] waited behind the gangway door leading to the backyard. At that time, he heard Officer [REDACTED] yell, "drop the gun" multiple times.³¹ After roughly five seconds, Officer [REDACTED] heard about three gunshots.

Officer [REDACTED] waited another five seconds, and Officer [REDACTED] yelled out, "we're coming through the door."³² During his statement with IPRA on December 17, 2014, he stated

against Officer [REDACTED] under Log #1088307. Therefore, COPA gives no weight to statements Officer [REDACTED] made that were not independently corroborated by other sources.

³¹ Attachment 99 Page 101 Line 11

³² Attachment 99 Page 102 Lines 14-15

that, after coming out of the gangway, he went to the right and walked to the eastbound gate. He stated Sergeant [REDACTED] ordered him to secure the scene.³³

Officer [REDACTED] star # [REDACTED]

Officer [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Officer [REDACTED] also gave a statement to IPRA on November 17, 2014. Each statement was substantially similar with respect to the facts.

On August 24, 2014, Officer [REDACTED] was a member of the [REDACTED] unit working with his partner Officer [REDACTED]. Officer [REDACTED] stated that Officer [REDACTED] received a call from Officer [REDACTED] about two individuals on the [REDACTED] block of Polk Street with guns. Officer [REDACTED] stated that Officer [REDACTED] related that one man was African American and was wearing a dark blue t-shirt and possessed a handgun, and the other was an African American male, wearing a white t-shirt and white hat and possessed a machine gun. Officer [REDACTED] related that he and Officer [REDACTED] drove to the [REDACTED] District to look for more officers. Officer [REDACTED] stated that he and Officer [REDACTED] recruited Officer [REDACTED], Officer [REDACTED] and Officer [REDACTED] to assist. Officer [REDACTED] stated that all five officers met with Officer [REDACTED], Officer [REDACTED] and Sergeant [REDACTED].

Officer [REDACTED] stated that after he arrived on Polk Street he got out of his car to approach, and saw [REDACTED] run and clench his waistband. Officer [REDACTED] decided to get back to the squad car and go westbound. He then heard three gunshots in succession as he was in his vehicle. Officer [REDACTED] stated that, once he heard the shots, he drove northbound on Francisco Street and into the alley where he parked behind Sergeant [REDACTED] car.

When Officer [REDACTED] arrived in the backyard of [REDACTED] W. Polk Street, he saw Officer [REDACTED] and Officer [REDACTED] in the yard. At the same time, he saw Sergeant [REDACTED] entering the backyard. Officer [REDACTED] heard Officer [REDACTED] say something to the effect of "Show me your hands" or "drop the gun." When he asked Officer [REDACTED] where [REDACTED] was, Officer [REDACTED] responded by saying that he was on the porch.

Officer [REDACTED] remembered walking behind Sergeant [REDACTED] heading toward the porch. When Officer [REDACTED] got to the porch, he saw [REDACTED] lying on his back with a semiautomatic two-toned handgun still in his hand. He stated that he observed [REDACTED] drop the gun from his side after Sergeant [REDACTED] gave commands to do so.³⁴ Officer [REDACTED] related that Sergeant [REDACTED] and another officer started handcuffing [REDACTED]. Officer [REDACTED] stated that he left the porch and noticed ten to twelve people in a vacant lot east of the porch.³⁵

Sergeant [REDACTED] star # [REDACTED]

Sergeant [REDACTED] gave a statement to Chicago Police Detectives on August 24, 2014. Sergeant [REDACTED] also gave a statement to IPRA on October 22, 2014 and testified in a deposition on November 17, 2015.

³³ Attachments 70, 77, 78, 99

³⁴ Attachment 66 Page 11 Line 19

³⁵ Attachments 63, 66, 70

Sergeant [REDACTED] stated that on August 24, 2014, he was assigned as a sergeant to the [REDACTED] Unit. Sergeant [REDACTED] related that he was driving an unmarked squad car when he received a call or message from either Officer [REDACTED] or Officer [REDACTED] that Officer [REDACTED] confidential informant told Officer [REDACTED] that there were two people with guns at the [REDACTED] block of Polk Street. Sergeant [REDACTED] described the tip including one black male wearing a white hat and white shirt with a Tec-9, and another black male wearing a dark blue t-shirt with a handgun. Sergeant [REDACTED] testified that he was aware of a gang war between the Cali Boys, a faction of the Vice Lords, and the Gangster Disciples in the [REDACTED] block of Polk Street.

Sergeant [REDACTED] ordered Officer [REDACTED] and Officer [REDACTED] to get more officers from the [REDACTED] District to help respond to the tip. Sergeant [REDACTED] stated that Officer [REDACTED] and Officer [REDACTED] met him at the corner of California Avenue and Harrison Street. Officers [REDACTED] and [REDACTED] came to that location with three officers from the [REDACTED] District.³⁶ Officers [REDACTED] and [REDACTED] along with the three additional [REDACTED] District officers were in the first car. Officers [REDACTED] and [REDACTED] were in the second car. Sergeant [REDACTED] was alone in a third car. The officers drove to the [REDACTED] block of Polk Street, where Sergeant [REDACTED] stated that he saw about fourteen individuals standing in front of an empty lot. Sergeant [REDACTED] related that some of the individuals matched the descriptions provided by the informant. Sergeant [REDACTED] saw several of the responding officers exit the cars with their guns drawn.

In an interview with detectives on August 25, 2014 and in an interview with IPRA on October 22, 2014, Sergeant [REDACTED] stated that he got out of his car and started approaching a group of ten individuals closest to his car when he saw [REDACTED] run from Officer [REDACTED]. Sergeant [REDACTED] immediately got back in his car and drove westbound on Polk Street, then northbound on Francisco Avenue. While driving eastbound in the alley, west of [REDACTED] W. Polk Street, Sergeant [REDACTED] stated that he heard three to four gunshots. Sergeant [REDACTED] immediately got out of his car and ran toward the backyard of [REDACTED] W. Polk Street. Sergeant [REDACTED] remembered hearing Officer [REDACTED] say "drop the gun, drop the gun, drop the gun" while Sergeant [REDACTED] approached the yard.³⁷ Sergeant [REDACTED] stated that he entered the backyard of [REDACTED] W. Polk Street through a hole in the fence. He stated that he saw Officer [REDACTED] about fifteen feet from the porch and Officer [REDACTED] a few feet behind him.

Sergeant [REDACTED] stated that he ran past Officer [REDACTED] and [REDACTED] and asked them where [REDACTED] was, and that Officer [REDACTED] yelled to him that he was on the porch. While on the porch, Sergeant [REDACTED] recalled seeing [REDACTED] lying on his back, head facing west, with a gun still in his hand. Sergeant [REDACTED] stated that he told [REDACTED] to, "drop the gun" and he did.³⁸ Sergeant [REDACTED] then kicked the gun away from [REDACTED] hand and attempted to handcuff him with the aid of Officer [REDACTED]. Sergeant [REDACTED] recalled that he ordered everyone off the porch to preserve the crime scene. Sergeant [REDACTED] stated that he stayed on the porch with Officer [REDACTED] until paramedics arrived. He further stated that he did not see the shooting.

³⁶ Officers [REDACTED] and [REDACTED]

³⁷ Attachment 103 Page 105 Line 10

³⁸ Attachment 103 Page 116 Line 5

At deposition on November 17, 2015, Sergeant [REDACTED] stated that he initially misjudged where he was when the shots were fired. After reviewing the POD camera footage of the incident, he was west of [REDACTED] W. Polk Street on Polk Street and not in the alley north of Polk Street as he described in his interview with IPRA.³⁹

Detective [REDACTED] star # [REDACTED]

Detective [REDACTED] gave a statement to COPA on March 23, 2018 and testified in a deposition on January 21, 2016. Each statement was substantially similar with respect to the facts.

Detective [REDACTED] stated that on August 24, 2014, he was working as a homicide detective with Detective [REDACTED] at [REDACTED] located at Belmont and Western Avenues, when he heard a call over his police radio that an officer needed assistance on Polk Street. Detective [REDACTED] related that he and Detective [REDACTED] went to [REDACTED] W. Polk Street and learned that it was a police-involved shooting.

Detective [REDACTED] stated that when he arrived on the scene he started interviewing the involved officers. Detective [REDACTED] related that he performed a public safety statement⁴⁰ with Officer [REDACTED]. During the walk through, Detective [REDACTED] observed a wooden porch with a stairway, stains on the porch along with a 9mm pistol and shell casings in the backyard. He stated that he was at the scene for about two hours before returning to the area while other detectives stayed on the scene.

At the area, Detective [REDACTED] related that he interviewed some of the involved police officers. Detective [REDACTED] testified that he learned the identity of the confidential informant (C.I.) but did not interview the C.I. Additionally, Detective [REDACTED] stated that he did not interview any civilian witnesses.⁴¹

Detective [REDACTED] star # [REDACTED]

Detective [REDACTED] gave a statement to COPA on August 24, 2018. In that statement, Detective [REDACTED] stated that on August 24, 2014, he was working at [REDACTED] located at Belmont Avenue and Western Avenues, and that he received a call that a police-involved shooting occurred on the west side of Chicago. Detective [REDACTED] stated that when he arrived at the scene, he spoke with Officer [REDACTED] who informed him that Officer [REDACTED] received information through a confidential informant that two men were on the street with guns. Detective [REDACTED] stated that he called Officer [REDACTED] who gave Detective [REDACTED] the confidential informant's phone number.

Detective [REDACTED] called the confidential informant and requested to meet a few blocks east of [REDACTED] W. Polk Street. Detective [REDACTED] testified that he and his partner, Detective [REDACTED]

³⁹ Attachments 60, 61, 70, 103

⁴⁰ A public safety statement is an initial statement of what occurred given by involved officer to responding officer of higher rank.

⁴¹ Attachments 97, 136, & 137

met with the confidential informant near a viaduct on Polk Street. Detective [REDACTED] related that he patted the informant down before the informant could enter his vehicle, but he did not mirandize or handcuff the informant. Detective [REDACTED] also related that the informant was worried for his safety and did not want people from the neighborhood knowing that the informant was speaking to the police.

When they arrived at the Area, Detective [REDACTED] stated that the informant explained his story to the detectives. Once the informant explained the story to the detectives, Detective [REDACTED] stated that the informant went with Detective [REDACTED] and the Assistant State's Attorney to conduct the electronically recorded statement.

Detective [REDACTED] stated that the informant's demeanor was calm during the interview. Detective [REDACTED] testified that he does not remember ever seeing the informant again after the interview.⁴²

Detective [REDACTED] star # [REDACTED]

In a statement to COPA on August 24, 2018, Detective [REDACTED] stated that on August 24, 2014 he was working with partners Detective [REDACTED] and Detective [REDACTED] when they were dispatched to the incident on Polk Street. Detective [REDACTED] related that he performed a canvass and that he and Detective [REDACTED] were tasked with picking up a confidential informant. Detective [REDACTED] could not recall how they were put in contact with the informant but recalled Detective [REDACTED] setting up the meeting. Detective [REDACTED] stated that he and his partner met the informant about four blocks from where the incident occurred. Detective [REDACTED] described patting the informant down and placing the informant into the back of the car. Detective [REDACTED] related that the informant was not mirandized and was not handcuffed. Upon reaching the Area, Detective [REDACTED] explained that the informant provided a statement of the incident. He later gave an electronically recorded interview to Detective [REDACTED] and Detective [REDACTED]⁴⁴

Civilian Witnesses - Depositions, IPRA / COPA Interviews, & Other Statements⁴⁵

The Confidential Informant⁴⁶

The confidential informant (C.I.) in this matter agreed to give an electronically recorded interview to Assistant State's Attorney [REDACTED] (A.S.A. [REDACTED] and Chicago Police Detective [REDACTED] on the night of the shooting.⁴⁷ The following is a summary of the electronically recorded interview:

⁴² Attachment 139 & 140

⁴³ Detective [REDACTED] star# [REDACTED] was on medical leave during R/I's interview attempts. Department Reports indicate that Detective [REDACTED] only took statements from Officer [REDACTED] and Officer [REDACTED] on August 24, 2014. Detectives General Progress Reports memorialize the contents of those interviews. See attachment 82.

⁴⁴ Attachment 141

⁴⁵ R/I made numerous attempts to find and interview witnesses. Some witnesses declined to be interviewed

⁴⁶ R/I spoke to the confidential informant briefly on September 22, 2017, regarding this matter via telephone. The informant declined to be interviewed.

⁴⁷ Detective [REDACTED] retired from the Chicago Police Department on February 2, 2016. Attachment 138

On August 24, 2014 the C.I. was on the [REDACTED] block of Polk Street when he was confronted by a man he knew from the neighborhood. The informant knew this man had a gun and asked to see the weapon while they were in backyard of the informant's residence. The informant stated that the man pulled a "Mac" from his pants.^{48,49}

While the two were walking back to the front of the residence, the C.I. stated that [REDACTED] walked up to them. The man with the Mac asked [REDACTED] "you got it on you?" [REDACTED] then lifted up his shirt and showed them a silver handgun.⁵⁰

About thirty minutes later, the informant saw [REDACTED] standing in front of [REDACTED] W. Polk Street. The C.I. stated that he saw two police squad cars pull up and stop in front of the address. The C.I. witnessed plain clothed police officers exiting their vehicles. The C.I. stated that [REDACTED] stopped, froze, and then took off running through the gangway of [REDACTED] W. Polk Street. The C.I. recalled seeing some officers run through the gangway after [REDACTED] and other officers run through the vacant lot. The C.I. related that he could not see where [REDACTED] went. The C.I. then heard 4-5 gunshots coming from the gangway.

The C.I. gave the statement at the [REDACTED] District at 03:37 am. The C.I. knew A.S.A. [REDACTED] from Judge [REDACTED] courtroom, where the C.I. had a pending narcotics case.⁵¹ The C.I. was not promised anything by ASA [REDACTED] or the officers in exchange for his cooperation.^{52,53}

Assistant State's Attorney [REDACTED]

COPA interviewed Assistant State's Attorney [REDACTED] (A.S.A. [REDACTED] on May 9, 2018, A.S.A. [REDACTED] stated that on August 24, 2014, he was a supervising A.S.A. assigned to the Felony Review Unit at 26th Street and California Avenue when he went to [REDACTED] at Belmont and Western Avenues to take statements pertaining to a police-involved shooting. A.S.A. [REDACTED] stated that he never went to the scene and that he went straight to the police station. A.S.A. [REDACTED] interviewed civilian witness [REDACTED] and the confidential informant but could not remember who he interviewed first.

A.S.A. [REDACTED] stated that he interviewed [REDACTED] along with Detective [REDACTED]. A.S.A. [REDACTED] wrote down what [REDACTED] was telling him. A.S.A. [REDACTED] stated that he could not remember the interview with [REDACTED] in detail but A.S.A. [REDACTED] stated that he routinely introduced himself to witnesses and gave them the option of providing an oral statement, a written statement, or a video recorded statement, and that [REDACTED] agreed to provide a written statement.

A.S.A. [REDACTED] could not remember how long the interview lasted. At the end of the interview, A.S.A. [REDACTED] stated that he went over every page with [REDACTED]. A.S.A. [REDACTED] articulated

⁴⁸ A "Mac" is a slang term for a Mac-10 machine gun.

⁴⁹ Attachment 84 at 6:06

⁵⁰ Attachment 84 at 6:28-6:45

⁵¹ On October 2, 2014 CI pled guilty to count 2, Possession of a Controlled Substance and sentenced to two years probation. Attachment 162

⁵² A.S.A. [REDACTED] was no longer assigned to Judge [REDACTED] courtroom on August 25, 2014.

⁵³ Attachment 70, 82, 84

that he asked [REDACTED] to read the first page and, if [REDACTED] agreed with it, to sign at the bottom on the page. A.S.A. [REDACTED] and Detective [REDACTED] also signed the bottom of the page. A.S.A. [REDACTED] stated that they continued in this fashion until page five. A.S.A. [REDACTED] related that [REDACTED] did stop him from time to time and that corrections were made throughout the document and the corrections were initiated by [REDACTED]

A.S.A. [REDACTED] asked Detective [REDACTED] to step out of the interview room, and, in the absence of any police officers, asked [REDACTED] if he was giving his statement voluntarily and if the police allowed him to use the washroom, eat, and have something to drink. A.S.A. [REDACTED] asked him these questions without Detective [REDACTED] in the room so that [REDACTED] would feel freer to speak to him if something bad was happening. A.S.A. [REDACTED] related that [REDACTED] never indicated that he was under any form of duress.

A.S.A. [REDACTED] stated he did not have any independent recollection of his interview of the confidential informant (C.I.). A.S.A. [REDACTED] stated that prior to the interview with COPA he had an opportunity to review a copy of the videotaped statement, commonly referred to as an Electronically Recorded Interview (E.R.I.). A.S.A. [REDACTED] stated that, prior to the E.R.I. he talked to the C.I. while Detective [REDACTED] was in the room about the basic facts of the case. A.S.A. [REDACTED] then stated that at the end of that conversation he would have asked Detective [REDACTED] to step out of the room and ask the C.I. how the police treated him and if he was giving the statement voluntarily. A.S.A. [REDACTED] then stated that after the initial conversation he gave the C.I. the option of having his statement video recorded or written, and the C.I. chose to have his statement video recorded. A.S.A. [REDACTED] conducted the electronically recorded interview with the C.I. Additionally, A.S.A. [REDACTED] informed COPA that he did not create any additional documents of this statement other than a copy of the video recording.⁵⁴

[REDACTED]

[REDACTED] testified in a deposition on February 10, 2016 and gave a statement to COPA on October 17, 2017. Each statement was substantially similar with respect to the facts.

[REDACTED] A.K.A. [REDACTED] stated that on August 24, 2014, he went to an empty lot next door to [REDACTED] W. Polk St. to play cards with [REDACTED] (his brother), [REDACTED]⁵⁵ [REDACTED] and a few others that he could not remember. [REDACTED] stated that he arrived early in the afternoon and stayed until the police arrived. [REDACTED] related that he was sitting in the back of the lot when Chicago police officers arrived and ordered the people who were standing in the front of the lot to lay down on the ground.

[REDACTED] remembered that, while watching what was transpiring in the front of the yard, several individuals stopped playing cards, got up from the table moved towards the front to see what was going on. [REDACTED] stated that he, [REDACTED] and [REDACTED] remained near the card table and that [REDACTED] was standing in the alley. [REDACTED] related that [REDACTED] got off the ground and ran through the gangway. [REDACTED] then entered the backyard and ran on to the back porch and to the

⁵⁴ Attachment 134, 135

⁵⁵ [REDACTED] is a nickname for [REDACTED]

⁵⁶ [REDACTED] is a nickname for [REDACTED]

second floor. [REDACTED] then related that [REDACTED] ran down back to the first floor. [REDACTED] said that while on the first floor it looked as if [REDACTED] was trying to hide between a refrigerator and dresser that were on the back porch. [REDACTED] witnessed [REDACTED] walking back and forth.

[REDACTED] stated that a police officer told [REDACTED] to move his dogs which were tied to the side of the house near the back porch. [REDACTED] related that the first officer went into the yard and was standing about seven feet from the porch with his weapon drawn. [REDACTED] said a second officer went into the yard with his weapon drawn and fired two rounds; one hit the banister, and one ricocheted off the wall. [REDACTED] stated that the officer then told [REDACTED] to "come out."⁵⁷

[REDACTED] stated that he walked closer to the back porch and told [REDACTED] "Hey come from up there before they shoot you."⁵⁸ [REDACTED] recalled the second officer saying, "Come out with your hands up."⁵⁹ [REDACTED] then stated that [REDACTED] said, "okay,"⁶⁰ put his hands up and stepped out. The second officer then shot him twice. [REDACTED] stated that he asked the officer why he shot [REDACTED] stated that the officer looked shocked to see anyone in the vacant lot.

[REDACTED] stated that the officer said nothing to him. [REDACTED] related that the entire encounter lasted five minutes. [REDACTED] described the shooting officer as a 5'9 white male weighing about 195 pounds. [REDACTED] said that other officers came shortly after the shooting and pushed him out of the vacant lot. [REDACTED] stated that it took police officers hours to find the gun.⁶¹ [REDACTED] stated that [REDACTED] had recorded the shooting, but police officers chased after him to try to retrieve the recording. [REDACTED] never told the police about what he saw because he was afraid of retaliation by the Chicago Police Department.

Lastly, [REDACTED] related that during the ensuing weeks after the shooting he had debates with [REDACTED] about whether [REDACTED] had a gun or not. [REDACTED] argued to [REDACTED] that [REDACTED] did not have a gun and that [REDACTED] argued that he did see [REDACTED] with a gun.⁶²

[REDACTED]

[REDACTED] testified in a deposition on February 16, 2016 and gave a statement to COPA on November 18, 2017. Each statement was substantially similar with respect to the facts.

[REDACTED] A.K.A. [REDACTED] related that on August 24, 2014 he went to a vacant lot next to [REDACTED] W. Polk Street to play cards with his friends. He stated that he played cards with [REDACTED] [REDACTED] and [REDACTED] [REDACTED] He stated that he was sitting at the card table under a large tree in the back vacant lot. [REDACTED] heard tire screeches and turned his head to the front of the lot where he saw marked and unmarked police vehicles. [REDACTED] recalled that the police officers exited their vehicles and ordered the people who were standing in the front of the yard to get down to the ground. He then stated that [REDACTED] got up from the ground and ran through the gangway.

⁵⁷ Attachment 112 at 6:46

⁵⁸ Attachment 112 at 6:55

⁵⁹ Attachment 112 at 6:59

⁶⁰ Attachment 112 at 7:03

⁶¹ [REDACTED] told R/I and Investigator [REDACTED] this after investigators concluded the interview and therefore this was not recorded.

⁶² Attachment 92 & 112

█████ saw one police officer run through the vacant lot to the backyard of the next-door residence. Once in the backyard, █████ stated that the officer saw █████ come out of the gangway and ordered him to freeze and that █████ ran past the officer to the first-floor porch. █████ remembers getting up from the card table and walking closer to the fence that separated the backyard and the vacant lot. He then stated that he witnessed the shooting officer and █████ have a 20 second conversation, although he could not hear what was being said. He stated that the officer fired two shots that were 5 to 7 seconds apart. █████ stated that one bullet hit a wooden cabinet on the back porch and the other bullet hit the wall. █████ then stated that the officer fired three more bullets in succession and that all three bullets hit █████.

█████ related that he then yelled to the officer, "You killed that kid in cold blood."⁶³ After saying this, █████ ran away from the scene. █████ stated that he was hesitant to talk with anyone about the incident and avoided the neighborhood for a while. Several months after the incident he spoke with an investigator⁶⁴ at the request of his friend █████. █████ stated that never spoke with the police regarding the incident because he was concerned for his safety. █████ did not know █████ before the shooting and described the shooting officer as a 6'2, white male. █████ related in his interview with COPA that he pulled out his cell phone to record the shooting, but the phone did not record.⁶⁵

█████

█████ testified in depositions on February 1, 2016 and March 29, 2017. The following is a summarization of those statements.

█████ A.K.A. █████ testified that on August 24, 2014 he was driven by his brother, █████ to the vacant lot next to █████ W. Polk Street to play cards. █████ stated that █████, █████ and █████ were already there to play cards. █████ stated that he was sitting at the table playing cards when he witnessed three police officers pull up at the front of the lot.

At the deposition on February 1, 2016, █████ stated that the officers exited their vehicle with their guns drawn. █████ further testified that he witnessed █████ run through the gangway and enter the backyard. █████ then saw █████ go onto the back-porch stairs with his hands on the railing. █████ described █████ as trying to hide under stairs and then behind a cabinet. A few seconds later █████ described █████ coming out with his hands up and that a police officer fired three shots at him.

⁶³ Attachment 114 13:07

⁶⁴ At deposition █████ testified that he spoke with members from the plaintiff's office identified as █████ and █████. See attachment 94 p. 55 Line 1-12.

⁶⁵ Attachment 94 & 114

⁶⁶ R/I made numerous phone calls and visits to the residence of █████ for an interview. Mr. █████ either did not want to speak to investigators or he was not home. R/I did have an interview scheduled with Mr. █████ on November 9, 2017, but Mr. █████ cancelled when investigators arrived at his home.

████████ related that he was still sitting when the officer fired his gun. █████ could not recall the race of any of the officers or any other characteristics of any of the officers. █████ stated that about 10 to 15 seconds after the shooting, different officers came into the lot and ordered everyone out of the empty lot

At the deposition on March 29, 2017, █████ stated that these officers did not have their guns drawn when they exited their vehicles. █████ further related in his second deposition that the police ordered █████ to the ground where █████ laid on the ground for about two to three minutes and that █████ then got up and ran through the gangway.⁶⁷

████████

On August 25, 2014, █████ A.K.A. █████ provided a handwritten statement to Detective █████ and Assistant State's Attorney, █████. The following is a summarization of the hand-written statement.

On August 24, 2014, █████ arrived at a vacant lot right next door to █████ W. Polk Street to play cards with his friends. █████ stated that he brought his two dogs with him and that he chained them up to a fence dividing the empty lot and the residence next door. █████ recalled about ten people standing in the front of the vacant lot when the police arrived. █████ stated that he saw █████ run from police and into the gangway on the other side of █████ W. Polk Street.

████████ stated that he was not able to see █████ through the gangway but did see █████ reappear in the backyard. █████ related that he saw police officers come in the vacant lot to chase after █████. █████ remembered that the same officer who went through the vacant lot confronted █████ in the backyard with his gun drawn and told █████ to freeze. █████ then ran onto the back porch.

████████ next stated that he ran over to his dogs because he did not want them shot and that there was another officer by the fence where his dogs were. █████ further related that he crouched down to his dogs and heard the officer yell, "gun."⁶⁹ █████ stated that he saw a silver handgun in █████ hand. █████ then related that he heard the officer in the yard and in the vacant lot yell, "drop the gun," and "show your hands."⁷⁰ █████ stated that a few seconds later, he put his head down and heard three to five gunshots. █████ then asked the officer if he could take his dogs and leave and the officer eventually allowed him to leave. █████ stated that he knew █████ from the neighborhood and occasionally he fished with █████ grandmother at Douglas Park. █████ also stated that in the week prior to the shooting, █████ had been getting into fights and "all kinds of trouble."⁷¹ █████ stated that he sometimes fishes with █████ grandmother.

⁶⁷ Attachment 96 & 126

⁶⁸ R/I made numerous attempts to speak with █████ which were met with negative results.

⁶⁹ Attachment 83 Page 3

⁷⁰ Attachment 83 Page 4

⁷¹ Attachments 82 & 83

████████ gave a statement to police detectives on August 25, 2014 and testified in a deposition on March 30, 2016. Each statement was substantially similar with respect to the facts.

████████ stated that on August 24, 2014 he did not see the shooting. He related that he was visiting his girlfriend's apartment on the second floor of █████ W. Polk Street. He related that he heard commotion outside, and then heard someone say, "put the gun down, put the gun down mother fucker."⁷³ He stated that after hearing these words he heard two to four gunshots.⁷⁴

████████ gave a statement to ABC News on August 3, 2017 and gave a statement to COPA on September 23, 2017. Each statement was substantially similar with respect to the facts.

████████ stated that he was playing cards in the back of a vacant lot located next door to █████ W. Polk Street sometime in the evening. █████ remembers █████ dogs on the side of the porch connected to the vacant lot.

████████ stated that he saw five or six young men in the front of the lot when police arrived. █████ stated that █████ ran away from police through a gangway and ran on the back porch. █████ stated that when █████ realized he was surrounded he threw his hands up and said, "I surrender", "I give up, don't shoot."⁷⁵ █████ then stated that the shooting officer said nothing and shot █████ about four times. █████ also stated that the shooting officer shot from the alley. During his interview █████ also stated that it took police officers a long time to find a gun.^{76,77}

EMT █████

In an interview with IPRA on August 19, 2017, █████ stated that he was the driver of the ambulance that responded to the shooting of █████ on August 24, 2014. EMT █████ stated that he parked the ambulance on Polk Street and walked his stretcher through the vacant lot to the back of the residence. His partner, █████⁷⁸ began treatment. EMT █████ left to move the ambulance from Polk Street to the alley at the back of the property. Once he returned to the backyard, █████ was already on the stretcher. EMT █████ helped move

⁷² R/I spoke to █████ to inquire about an interview with COPA. He stated that he had already given a statement in this matter and did not wish to give another one.

⁷³ Attachment 93 Page 12 Lines 4-5

⁷⁴ Attachment 80 & 93

⁷⁵ Attachment 107 at 2:21 and 6:05 respectively

⁷⁶ Attachment 107

⁷⁷ Attachment 143

⁷⁸ COPA attempted to contact EMT █████ for an interview. Internal Affairs for CFD informed COPA that EMT █████ was retired at the beginning of 2017. See attachment 125.

████████ into the ambulance. EMT █████ stated that when he responds to the scene of an incident, he looks at the patient's hands to see if they might have a gun but does not pay attention to potential evidence. Over his career he has responded to scenes where evidence such as shell casings are present but did not remember seeing anything in this case.⁷⁹

b. Digital Evidence

OEMC POD Video Camera

The OEMC POD #5004, is located at █████ W. Polk Street. It is at the southwest corner of the street and faces northeast. POD #5004 shows the front porch of █████ W. Polk St., the front part of the empty lot directly east of █████ W. Polk St. and a two-flat residence. The relevant portion of the POD video is 19 minutes and 59 seconds long and depicts what happens from 7:00 pm to 7:19 pm. It does not show the back part of the empty lot or back porch of the residence of █████ W. Polk St. The video does not capture the shooting. The POD video shows approximately fifteen African American males in the area, and specifically about ten African Americans in front of the empty lot. Seconds before the police arrive, the video shows █████ standing on the sidewalk west of the empty lot. The below picture shows █████ identified by the red arrow, at the 7:09:39 pm wearing a white hat.



The police arrive on scene in three unmarked police cars⁸⁰ at 7:09:52 pm while █████ is standing on the street.

⁷⁹ Attachments 110 & 111.

⁸⁰ For clarity, the Officers were positioned as follows: The first car was driven by Officers █████ with Officer █████ in the front passenger seat; Officer █████ in the rear passenger seat behind █████ Officer █████ in the rear middle seat and Officer █████ seated behind the driver. The second car was driven by Officer █████ with Officer █████ in the front passenger seat. Sergeant █████ drove the third car.



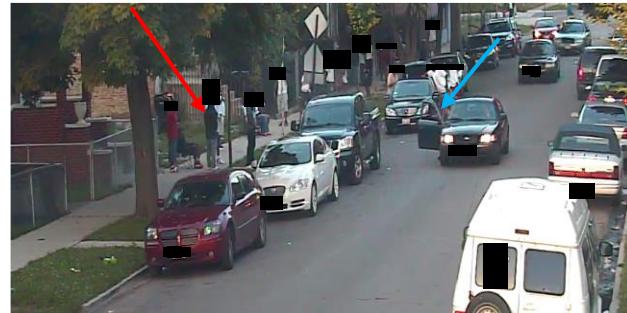
7:09:46 pm



7:09:47 pm

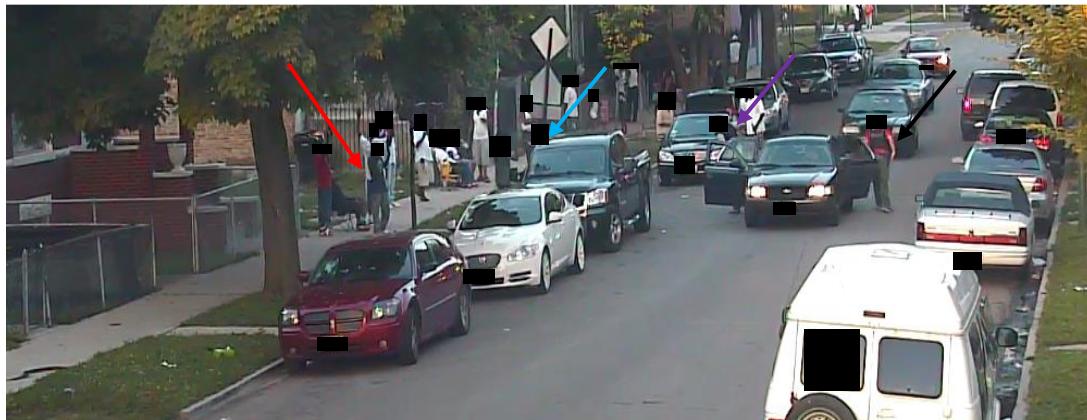


7:09:49 pm



7:09:52 pm

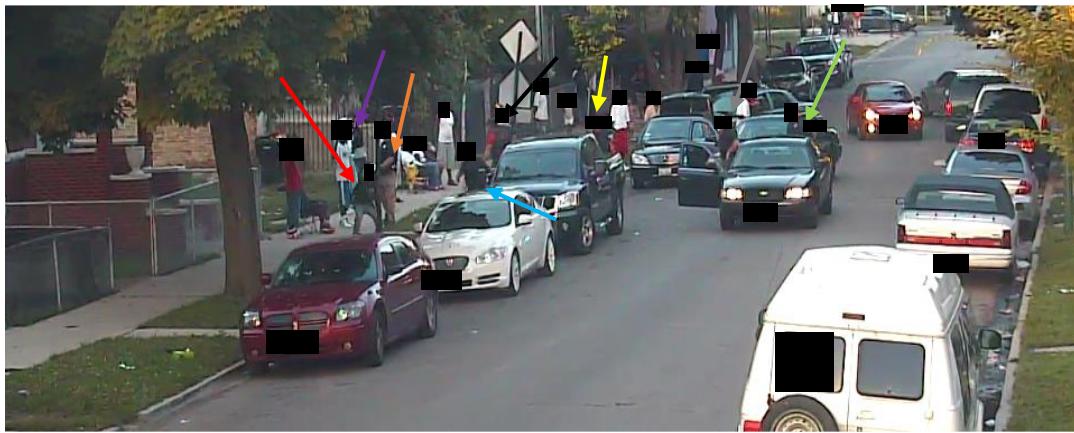
The three unmarked police vehicles stop on Polk St. in front of the group of men that are standing on the sidewalk in front of the empty lot. From 7:09:52 pm, to 7:09:55 pm, Officers [REDACTED] identified by the blue arrow, [REDACTED] identified by the purple arrow, and [REDACTED] identified by the black arrow, exit the vehicle with their guns drawn and immediately walk toward the group of men standing in front of the empty lot.

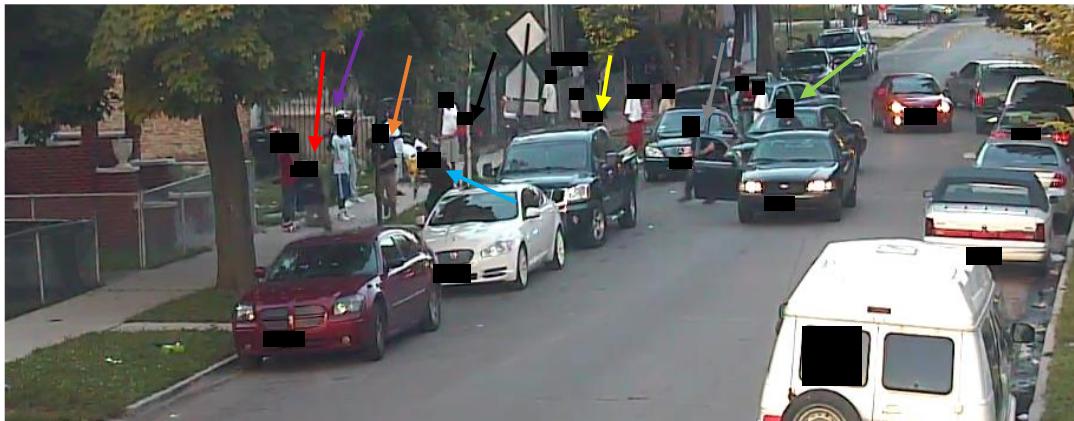


From 7:09:56 pm to 7:09:59 pm, Officer [REDACTED] pats down an individual wearing a dark shirt and then places him on a parked truck. Officer [REDACTED] then points his gun toward [REDACTED]. Officers [REDACTED] identified by the orange arrow, and [REDACTED] run to the group of men in the empty lot with their guns in the low ready position. Officer [REDACTED] is identified with a yellow arrow, Officer [REDACTED] is identified with a green arrow and Officer [REDACTED] is identified with a silver arrow.



Between the 7:10:59 pm mark and the 7:10:03 pm mark, [REDACTED] has his hands up, then turns and runs westbound towards the gangway west of [REDACTED] W. Polk St.





At 7:10:05 pm Officer [REDACTED] runs through the empty lot, while Officer [REDACTED] follows [REDACTED] northbound through the gangway.



At 7:10:26 pm the officers and individuals in front of the empty lot drop to the ground and appear to duck. Officer are then seen moving toward the backyard.⁸¹



7:10:27 pm



7:10:28 pm



⁸¹ Sergeant [REDACTED] is identified with a dark blue arrow driving westbound.

At 7:10:29 pm, Officer [REDACTED] runs into the empty lot, then out of sight from the POD video camera.



At 7:11:30 pm, a van of nine police officers arrive and run towards the empty lot.



Unknown officers start putting yellow tape around the empty lot at 7:13:31. EMS personnel [REDACTED] and [REDACTED] also arrive with a stretcher.^{82,83}

c. Physical Evidence

Crime Scene photographs and video of [REDACTED] W. Polk Street reflect CPD Evidence Technician [REDACTED] arrived on scene at 21:54 hours. Photographs and video were taken of the scene, the gun, shell casings, the back porch, and bullet strikes. Photographs were also taken of [REDACTED] body at the hospital.⁸⁴

Chicago Police Department Crime Scene Processing Reports⁸⁵ numbered [REDACTED] and [REDACTED] were completed on August 25, 2014, and document the physical and forensic evidence identified, collected, and inventoried, in connection with this incident. A summary of that information is outlined below:

⁸² Attachment 55

⁸³ [REDACTED] and [REDACTED] are identified with a red circle.

⁸⁴ Attachments 42 & 44

⁸⁵ Attachments 31

- The gun recovered from [REDACTED] was a Jennings Firearm Bryco model 59, serial number [REDACTED] 9mm, semi-automatic and inventoried under [REDACTED]. The gun was not registered with the City of Chicago. The evidence technician recovered ten cartridges in the magazine and one in the chamber.
- Officer [REDACTED] gun was a Glock Model 21, .45 Caliber, Semi-Automatic Pistol with a serial number of [REDACTED]. The gun was registered with the city under City Registration number [REDACTED]. The gun had nine live rounds recovered from firearm, and one live round recovered from the chamber.⁸⁶
- The reports document that the Evidence Technician recovered two fired bullets from the rear porch inventoried under numbers [REDACTED] and [REDACTED]
- Additionally, the Evidence Technician recovered three expended fired cartridge casings recovered from the backyard inventoried under [REDACTED]
- Chicago Police Evidence Technicians took two cotton swabs of biological material from the handgun that was recovered near [REDACTED] inventoried under [REDACTED]
- Three diagrams were drafted by the Chicago Police Department. One depicts an aerial view of [REDACTED] W. Polk Street and shows the gangway, the sidewalk, the backyard and the empty lot. The second diagram depicts the backyard and the area where the shell casings were found. The third picture shows the back porch and where the rest of the physical evidence was found. None of the diagrams are to scale.⁸⁸

The Illinois State Police (ISP) Forensic Science Laboratory tested the Gunshot Residue (GSR) kit, collected by CPD's evidence technicians and inventoried under number [REDACTED]. The test revealed that no gunshot residue particles were detected on the hands of [REDACTED].⁸⁹

The Illinois State Police compared DNA profiles from swab samples from the silver handgun which was recovered near [REDACTED] and a blood card of [REDACTED] Illinois State Police, Forensic Scientist III, [REDACTED] determined there was a mixture of at least two people from the swabs from the firearm. This mixture was not suitable for comparison.⁹⁰

⁸⁶ COPA believes Officer [REDACTED] Glock Model 21 .45 caliber gun had a maximum capacity of fourteen rounds (thirteen bullets in the magazine and one in the chamber). See attachment 82 (Detective [REDACTED] GPR). See also <https://us.glock.com/products/G21%20Gen4> (Att. 158). During his interview with IPRA, Officer [REDACTED] stated his gun was fully loaded, however, he was never asked for the capacity of his firearm. At his deposition, Officer [REDACTED] was not asked about the capacity of the weapon.

⁸⁷ Attachment 31

⁸⁸ Attachment 41

⁸⁹ Attachment 72. GSR uses a scanning microscope to test for residue or particles of specific chemical elements expelled during the discharge of a weapon.

⁹⁰ attachment 127

d. Documentary Evidence

Chicago Police Reports

A **Tactical Response Report (TRR)** completed by Officer [REDACTED] documents that [REDACTED] did not follow verbal directions, fled, presented an imminent threat of battery and attacked with a weapon. The TRR further documents that [REDACTED] was armed with a silver two-tone semi-automatic 9mm handgun and used force likely to cause death or great bodily harm. The TRR reports that Officer [REDACTED] responded by member presence, verbal commands, and discharged his firearm three times.⁹¹

The **Officer's Battery Report (OBR)** of Officer [REDACTED] documents that he was on duty, in civilian dress, while working with multiple partners, responding to an incident involving a man with a gun, on August 24, 2014 at approximately 7:11 pm. The report indicates that a black male pointed a 9mm semi-automatic handgun at Officer [REDACTED] on a residential porch at [REDACTED] W. Polk. Street. The report documents that Officer [REDACTED] did not sustain any injuries.⁹²

The Chicago Police Department's Bureau of Internal Affairs conducted an **alcohol and drug** test of Officer [REDACTED] on August 24, 2014, at approximately 11:10pm, using urine samples. On August 26. 2014, the results came back negative.⁹³

The Original Case Incident Report documents evidence recovered by the evidence technicians and investigative steps taken by CPD detectives. The report was completed by Detectives [REDACTED] and [REDACTED]. The detectives interviewed the police personnel involved in this incident. The report also documents interviews with [REDACTED] and the C.I. The shooting was ruled a justifiable homicide and was classified as Exceptionally Cleared Closed.⁹⁴

The Office of Emergency Management and Communications Event Query memorializes the communication between OEMC workstations, dispatchers and officers. The event query indicates that the call of "shots were fired" was documented by OEMC workstation [REDACTED] at approximately 19:11:02 (7:11:02 pm). At 19:11:44 EMS was requested. At 19:12:25 (7:12:25 pm) both OEMC workstations [REDACTED] and [REDACTED] reported a weapon was recovered.⁹⁵

The Alcohol, Tobacco, Firearms (ATF) Trace Summary Report for the handgun that the Chicago Police Department recovered from [REDACTED] was completed on August 25, 2014. The gun was last purchased by [REDACTED] of Chicago. The gun was never reported stolen to the ATF.⁹⁶ Based on a Thomas Reuters search for [REDACTED] the gun was recovered by CPD less than 2 miles from [REDACTED] home. [REDACTED] passed away on February 26, 2002.⁹⁷

⁹¹ Attachment 14

⁹² Attachment 15

⁹³ Attachment 57

⁹⁴ Attachment 70

⁹⁵ Attachment 32,

⁹⁶ Attachment 89

⁹⁷ Attachment 144

Medical Records from Mount Sinai Hospital document that [REDACTED] entered the emergency room under traumatic arrest at 7:33pm. He suffered from two gunshot wounds, one to the left side of his chest and the other to the left side of his torso. The records state that CPR was given to [REDACTED] in the ambulance. Despite resuscitative measures from doctors at Mount Sinai, [REDACTED] was pronounced dead at 7:43pm.⁹⁸

The **Chicago Fire Department Ambulance Report** documents that Ambulance 2 was dispatched for an unknown male with a gunshot wound at [REDACTED] W. Polk Street on August 24, 2014. At 7:13pm the ambulance was en route and arrived at the scene at 7:18 pm. A narrative in the report notes that [REDACTED] was located on the first-floor rear porch face down, handcuffed, with a large pool of blood underneath him. CPD had turned [REDACTED] from his initial supine position to the prone position. CFD crew turned [REDACTED] back to the supine position and intubated him on the scene. The narrative noted that there were many people on the porch and that a monitor was kicked and moved several times. [REDACTED] was transported to the ambulance, which departed the scene at 7:29 pm. The ambulance arrived at Mount Sinai Hospital at 7:46 pm.⁹⁹

The Office of the Cook County Medical Examiner's Report, autopsy photos, x-rays and associated documents indicate that [REDACTED] died on August 24, 2014, as the result of multiple gunshot wounds (two) to the left side of his body. The first gunshot wound is located two and one half (2 1/2) inches to the anterior midline on [REDACTED] left shoulder, eleven (11) inches below the top of his head, centered slightly above the mid-clavicle. The medical examiner reported left rib fractures caused by a perforating bullet that went through the left lung and left hemothorax. The bullet exited through the upper left aspect of the back, fourteen (14) inches below the top of the head and two inches to the left of the posterior midline.

The medical examiner reported that the projectile pathway is left to right, front to back and downward.

The second gunshot wound was also found in the left side of [REDACTED] chest and struck [REDACTED] heart, coronary arteries, liver, lung, and spinal cord. The bullet entered the left side of the chest, twenty inches below the top of the head. The examiner found no evidence associated with the wounds to suggest that it was the result of close-range firing. A copper jacket large caliber projectile was recovered from [REDACTED] during the autopsy.

The medical examiner reported that the projectile's pathway was left to right, front to back and downward.

The report also noted a red and black abrasion on the left side of [REDACTED] chin, and a red abrasion on the left side of his hip. The toxicology report documented that [REDACTED] tested negative for controlled substances and alcohol. The cause of death was multiple gunshot wounds and the manner or death was ruled a homicide. The postmortem report of [REDACTED] was completed by Dr. [REDACTED] and was conducted after an August 25, 2014 examination of his body.¹⁰⁰

e. Additional Evidence

⁹⁸ Attachments 28 & 50

⁹⁹ Attachment 17

¹⁰⁰ Attachment 33, 42, 75

Social Media/Photographs of [REDACTED] with handguns

COPA received 20 pages of photographs of [REDACTED] from various social media sources. Many of these photos depict [REDACTED] holding various handguns. [REDACTED] is also pictured with what appears to be a Tec-9 gun. None of the photographs obtained by COPA depict [REDACTED] with the handgun recovered by police on August 24, 2014.¹⁰¹

COPA reviewed relevant social media account of friends and associates of [REDACTED]. [REDACTED] apparent social media alias was [REDACTED]. On August 25, 2014, [REDACTED] [REDACTED] younger sister, made numerous posts on Facebook instructing her friends to take down any photos of [REDACTED] with guns.¹⁰²

Civil Suit Documents

A civil suit was filed by [REDACTED] ([REDACTED] mother) in relation to this incident: 1:15-CV [REDACTED] *Estate of [REDACTED] by [REDACTED] Administrator v. City of Chicago and Officers [REDACTED] and [REDACTED]*

As part of the litigation, both parties hired experts. The City of Chicago hired [REDACTED] a police practices and policy expert.¹⁰³ The plaintiff hired [REDACTED], a forensic firearm, ballistic, and shooting reconstruction specialist.¹⁰⁴ Defense counsel hired [REDACTED], a medical doctor and expert in anatomic and forensic pathology.¹⁰⁵ Defense counsel also hired [REDACTED] of WD Forensic, Inc. as a shooting reconstruction expert.¹⁰⁶ COPA reviewed the expert reports and considered the findings as part of this investigation.

CNN Documentary

In December of 2017, CNN, aired a three-part documentary entitled, "Beneath the Skin." The documentary investigated the August 24, 2014, death of [REDACTED] CNN correspondent and investigative journalist, [REDACTED] reviewed police reports, witness accounts, IPRA interviews, and conducted an independent investigation and analysis.

[REDACTED] interviewed [REDACTED] who claimed to be the best friend of [REDACTED] stated that [REDACTED] was at his home in the early morning of August 24, 2014. He stated that when [REDACTED] left his home, he did not have any weapons of any kind. When [REDACTED] was asked by [REDACTED] whether [REDACTED] ever owned guns, [REDACTED] replied that although [REDACTED] never owned a gun, he did at times hold guns, and did at times have guns.

In sum, the documentary made inconclusive findings regarding the justification for the shooting.

¹⁰¹ Attachment 124

¹⁰² Attachment 123

¹⁰³ Attachment 133

¹⁰⁴ Attachment 131

¹⁰⁵ Attachment 130

¹⁰⁶ Attachment 132

VI. ANALYSIS

a. Legal Standard

1. Use of Deadly Force

The applicable Chicago Police Department directive is General Order is 03-02-03, II,¹⁰⁷ which states that a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. To prevent death or great bodily harm to the sworn member or to another person, or;
2. To prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a) has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b) is attempting to escape by use of a deadly weapon or;
 - c) otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, the use of deadly force is codified under 720 ILCS 5/7-5 (1986). The pertinent part of the statute states that:

... a peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...

720 ILCS 5/7-5 (1986).

Finally, determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989). See *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) "whether he is actively resisting arrest or attempting to evade arrest

¹⁰⁷ This report references the version of General Order 03-02-03 in effect on August 24, 2014.

by flight.” *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). This reasonableness calculation “must embody allowance for the fact that police officers are often forced to make split second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham*, 490 U.S. at 396-97. Consequently, “when an officer believes that a suspect’s actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force.” *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (en banc) (omitting emphasis)).

2. Preponderance of the Evidence

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the conduct complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the standard of proof has been met.

b. Findings of Material Fact

Applying the preponderance of the evidence standard, COPA makes the following findings of material fact.

1. [REDACTED] Possessed a Handgun on August 24, 2014

There is significant direct and circumstantial evidence [REDACTED] possessed a handgun during the August 24, 2014, incident.

First, a preponderance of the evidence demonstrates that the C.I. personally observed [REDACTED] with a silver handgun and wearing a blue shirt on the date of the incident. The evidence demonstrates that the C.I. reported his observations to Officer [REDACTED] prior to the incident. Multiple CPD officers reported the tip provided to Officer [REDACTED] included this information. Moreover, the C.I. confirmed he provided this information to Officer [REDACTED] in an electronically recorded interview conducted by A.S.A [REDACTED] and Detective [REDACTED] shortly after the incident. The C.I. identified [REDACTED] as the man he observed with the silver handgun earlier that day during his statement. The fact [REDACTED] was wearing a blue shirt on the date of the incident and the firearm recovered near [REDACTED] was a silver handgun demonstrates the C.I. more likely than not observed [REDACTED] with the silver handgun on the date of incident.

Second, [REDACTED] flight from the scene shortly after the arrival of the officers is circumstantial evidence he possessed a firearm.¹⁰⁸ None of the other individuals located near the empty lot fled the scene upon arrival of the officers. The POD footage depicts [REDACTED] freezing when the officers arrive, taking a few steps towards the officers, and finally running away from

¹⁰⁸ CPD did not recover any contraband, except the firearm, from [REDACTED] on the date of the incident.

the officers through the gangway at a high rate of speed. [REDACTED] reaction, especially considering the reaction of the other individuals present, is circumstantial evidence he possessed a firearm.¹⁰⁹

Third, numerous individuals reported observing [REDACTED] possessing a handgun during the incident. Officers [REDACTED] and [REDACTED] reported observing [REDACTED] in possession of a handgun prior to Officer [REDACTED] discharging his firearm.^{110,111}

Moreover, [REDACTED] an independent civilian witness, also reported observing [REDACTED] with a silver handgun while [REDACTED] was standing on the porch. COPA finds [REDACTED] account credible. [REDACTED] asserted that he observed [REDACTED] with the firearm as he was attempting to untie his dogs from a fence located on the property line separating [REDACTED] W. Polk Street from the empty lot. CPD officers reported observing a man and dogs at or near the location [REDACTED] alleged he was located at during the incident (i.e. corroborated that [REDACTED] was in the location he alleged and therefore would have been able to directly observe [REDACTED] while [REDACTED] was on the porch). [REDACTED] also reported his observations to CPD detectives and A.S.A. [REDACTED] shortly after the incident. There is no evidence that [REDACTED] had any reason to falsely allege that [REDACTED] possessed a firearm or otherwise provide an inaccurate account of the incident.

Finally, Sgt. [REDACTED] and Officer [REDACTED] reported observing a firearm in [REDACTED] hand shortly after he was shot, and Officers [REDACTED] and [REDACTED] reported observing a firearm near [REDACTED] body shortly after he was shot.¹¹²

Fourth, the quick recovery of the firearm is circumstantial evidence that the silver gun recovered near [REDACTED] body was possessed by [REDACTED]. Specifically, OEMC event query reflects that the firearm was recovered at 7:12:25 p.m., approximately one minute and twenty-three seconds after the report of shots fired.

Fifth, the social media photos of [REDACTED] in possession of various firearms demonstrates [REDACTED] had access to firearms. Furthermore, [REDACTED] a friend of [REDACTED] confirmed [REDACTED] had access to guns in the CNN documentary.

¹⁰⁹ *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) (“Headlong flight -- wherever it occurs -- is the consummate act of evasion: It is not necessarily indicative of wrongdoing, but it is certainly suggestive of such.”); *People v. McDonald*, 168 Ill. 2d 420 (1995) (“While evidence of flight by itself is not sufficient to establish guilt, it is a circumstance from which a trier of fact may infer consciousness of guilt.”)

¹¹⁰ Officer [REDACTED] also asserts [REDACTED] possessed a silver handgun and pointed the weapon at Officer [REDACTED]. COPA gives no weight to Officer [REDACTED] statement and finds them to be unreliable. COPA served allegations against Officer [REDACTED] disputing the truthfulness of his statements under Log # 1088307.

¹¹¹ Four civilian [REDACTED] and [REDACTED] — directly contradict Officer [REDACTED] and [REDACTED] accounts. They stated they did not observe [REDACTED] holding a firearm while he was on the porch. The credibility of their statements is addressed below.

¹¹² Sgt. [REDACTED] originally told detectives and IPRA investigators that he was in the alley near [REDACTED] W. Polk Street when the shots were fired. However, the POD footage demonstrates that Sgt. [REDACTED] was actually on Polk Street at the time the shots were fired. Nonetheless, Sgt. [REDACTED] account was otherwise generally consistent with the available evidence (e.g. OEMC radio transmissions show the gun was reported as recovered shortly after the firearm discharge) and COPA finds Sgt. [REDACTED] account credible.

¹¹³ Sgt. [REDACTED] stated that he kicked the gun out of [REDACTED] hand when he reached the first level of the porch.

2. Officer [REDACTED] Ordered [REDACTED] to Drop his Firearm

Officer [REDACTED] asserted that he commanded [REDACTED] to drop the firearm prior to discharging his firearm. Multiple CPD witnesses and independent civilian witnesses, such as [REDACTED] and [REDACTED] reported hearing these commands prior to the firearm discharge. A preponderance of the evidence demonstrates that Officer [REDACTED] stated words to the effect of “drop the gun” to [REDACTED] prior to discharging his firearm.

3. [REDACTED] Reasonably Appeared to be Pointing a Firearm at Officer [REDACTED] Prior to Officer [REDACTED] Discharging his Firearm Three Times in Quick Succession

There is conflicting evidence on [REDACTED] actions immediately prior to Officer [REDACTED] discharging his firearm. Officers [REDACTED] and [REDACTED] assert that [REDACTED] raised the silver handgun in his right hand and pointed the firearm in the direction of Officer [REDACTED].¹¹⁴ Officer [REDACTED] asserted that he responded by discharging his firearm three times at [REDACTED] in quick succession.¹¹⁵ [REDACTED] and [REDACTED] assert at the time Officer [REDACTED] discharged his firearm, [REDACTED] had his hands up and was not holding a firearm.¹¹⁶ [REDACTED] and [REDACTED] also allege that they did not observe [REDACTED] with a firearm at any point during the encounter.

A preponderance of the evidence demonstrates [REDACTED] reasonably appeared to be pointing a firearm at Officer [REDACTED] prior to Officer [REDACTED] discharging his firearm at [REDACTED] three times in quick succession.

First, as explained above, there is substantial evidence [REDACTED] possessed a handgun during the incident.¹¹⁷

Second, Officers [REDACTED] and [REDACTED] statements are materially consistent with the available evidence. [REDACTED] and [REDACTED] statements are both inconsistent with each other's statements and the available evidence. For example, the evidence demonstrates that the entire incident from the arrival of the police officers to the firearm discharge took approximately thirty-four seconds, and Officer [REDACTED] fired three shots in quick succession. However, [REDACTED] and [REDACTED] all describe a significantly longer encounter. [REDACTED] described a long pause between second and third shots and stated that he spoke to [REDACTED]

¹¹⁴ Officer [REDACTED] also asserts that [REDACTED] pointed a silver handgun at Officer [REDACTED]. Again, COPA gives no weight to Officer [REDACTED] statements.

¹¹⁵ A preponderance of the evidence demonstrates that Officer [REDACTED] discharged his firearm three times (three casings and three bullets were recovered). Therefore, the fact that only ten bullets were recovered from Officer [REDACTED] firearm demonstrates Officer [REDACTED] did not have his firearm fully loaded on the date of the incident (i.e. Officer [REDACTED] should have had eleven bullets remaining after if the incident if he discharged three shots from a fully loaded firearm with a capacity of fourteen bullets).

¹¹⁶ As noted above, civilian witness [REDACTED] had previously observed [REDACTED] holding a firearm while on the porch.

¹¹⁷ To be clear, the fact [REDACTED] possessed a firearm is not proof that [REDACTED] pointed the firearm at Officer [REDACTED]. However, [REDACTED] could not point a firearm at Officer [REDACTED] if he did not possess a firearm.

between the second and third shots, specifically he allegedly told [REDACTED] to surrender, and [REDACTED] responded "okay." [REDACTED] described a twenty second conversation between Officer [REDACTED] and [REDACTED] prior to Officer [REDACTED] discharging his firearm two times approximately 5 to 7 seconds apart followed by firing three more shots in succession. No other witness corroborated [REDACTED] or [REDACTED] accounts or reported long pauses between any of the shots.¹¹⁸ [REDACTED] reported observing [REDACTED] laying on the ground for two to three minutes before getting up and running from the police. However, the POD footage demonstrates that [REDACTED] ran approximately nine seconds after the officers arrived and he was never on the ground. [REDACTED] account is also inconsistent with the available evidence. [REDACTED] alleged that the shooting officer, Officer [REDACTED] never spoke to [REDACTED] prior to shooting him. However, [REDACTED] and [REDACTED] independent civilian witnesses, and numerous CPD officers reported Officer [REDACTED] ordering [REDACTED] to drop the gun prior to discharging his firearm. [REDACTED] also alleged that it took the officers a long time to find the firearm after the incident, but the OEMC records demonstrate the officers called in finding a firearm less than a minute after reporting shots fired. Most importantly, [REDACTED] an independent civilian witness, observed [REDACTED] with a firearm in his hand, while standing on the porch, moments before Officer [REDACTED] discharged his firearm.

Furthermore, CPD conducted a canvass and many civilians witnesses, including [REDACTED] and [REDACTED] provided contemporaneous or near contemporaneous statements. In contrast, [REDACTED] and [REDACTED] did not provide any formal statement until providing declarations as part of the civil litigation over a year after the incident.¹¹⁹ In light of the gravity of their alleged observations (e.g. observing Officer [REDACTED] discharged his firearm at an unarmed [REDACTED] who had his hands up), COPA believes it is appropriate to take into account, as a factor in assessing their credibility and reliability, that [REDACTED] and [REDACTED] did not provide a statement to the Department, IPRA, or any other governmental authorities, either directly or through a trusted intermediary¹²⁰ and did not provide any formal statement until providing statements and/or declarations to Plaintiff's counsel prior to the filing of the civil lawsuit. [REDACTED] did not even provide a declaration as part of the civil litigation nor has he been deposed.

For these reasons, COPA finds that Officer [REDACTED] discharged his firearm three times at [REDACTED] in quick succession after [REDACTED] reasonably appeared to be pointing a firearm in his direction.

c. Legal Conclusions

As explained in detail above, a preponderance of the evidence demonstrates that (1) [REDACTED] possessed a firearm; (2) Officer [REDACTED] ordered [REDACTED] to drop the firearm; (3) and [REDACTED] reasonably appeared to be pointing the firearm he possessed in the direction of Officer [REDACTED] prior to Officer [REDACTED] discharging his firearm three times at [REDACTED] in quick succession. In its totality, the evidence demonstrates that an officer with similar training and experience as Officer [REDACTED] would reasonably believe [REDACTED] posed an immediate threat of

¹¹⁸ The evidence demonstrates Officer [REDACTED] may have *briefly* paused for a second between the second and third shots.

¹¹⁹ [REDACTED] and [REDACTED] signed declarations on October 30, 2015, and [REDACTED] signed a declaration on November 2, 2015.

¹²⁰ COPA recognizes that civilians may fear disclosing information to CPD or other governmental authorities.

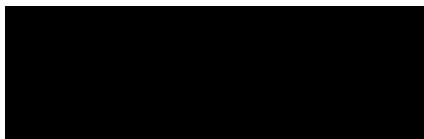
death or serious bodily harm and the use of deadly force was necessary to prevent death or great bodily harm to himself when [REDACTED] pointed a firearm at Officer [REDACTED] after being ordered to drop the gun.¹²¹ Therefore, Officer [REDACTED] decision to discharge his firearm three times at [REDACTED] was objectively reasonable and complied with Chicago Police Department's General Order 03-02-03, the Illinois state statute and the Fourth Amendment.

VII. CONCLUSION

Based on the above, COPA makes the following finding:

Officer	Allegation	Finding
Officer [REDACTED]	1. N/A	Within Policy

Approved:



October 21, 2019

Andrea Kersten
Deputy Chief Administrator

Date



October 21, 2019

Sydney Roberts
Chief Administrator

Date

¹²¹ To be clear, officers do not necessarily have to wait for an individual to point a firearm in the direction of another person (or reasonably appear to be pointing a firearm in the direction of another person) prior to discharging their firearm, as long as the fear of death or great bodily harm is reasonable. *See, e.g., Thompson v. Hubbard*, 257 F.3d 896, 899 (8th Cir. 2001).

Appendix A

Assigned Investigative Staff

Squad#:	4
Investigator:	[REDACTED]
Supervising Investigator:	
Deputy Chief Administrator:	Andrea Kersten